

**To:** Lawrence, Kathryn[Lawrence.Kathryn@epa.gov]; Meer, Daniel[Meer.Daniel@epa.gov]  
**Cc:** Strauss, Alexis[Strauss.Alexis@epa.gov]  
**From:** Don't Waste Arizona  
**Sent:** Mon 8/7/2017 10:18:56 PM  
**Subject:** [SPAM] Fw: EPA Contact  
Hickmans Sierra Club Inc v Tyson Foods Inc.pdf

Mr. Jones left a voicemail asking that I take this issue up with you. I also point out that the written follow up report required by EPCRA Section 304 contains data elements that are not included in the CERCLA continuous release report. I have attached the statutory language, and bolded the data elements that are not included in the CERCLA continuous release report. So besides the 2003 court precedent(Please note the language on page 11: "Therefore, under the regulations, both initial telephone notification under Section 304(a) and (b) and follow-up written notification under Section 304(c) are required under EPCRA. Therefore, Plaintiffs may maintain a claim against Defendants for their alleged violation of EPCRA's § 304(c) reporting requirements even if the releases could be characterized as continuous." This case was decided well over a decade ago, and there is no case law reversing it.), there are obvious differences in a CERCLA continuous release report and the written follow up report required under EPCRA Section 304.

“(2) Notice required under subsection (a) shall include each of the following (to the extent known at the time of the notice and so long as no delay in responding to the emergency results):

(A)

The chemical name or identity of any substance involved in the release.

(B)

An indication of whether the substance is on the list referred to in section 11002(a) of this title.

(C)

An estimate of the quantity of any such substance that was released into the environment.

(D)

**The time and duration of the release.**

(E)

The medium or media into which the release occurred.

(F)

**Any known or anticipated acute or chronic health risks associated with the emergency and,**

**where appropriate, advice regarding medical attention necessary for exposed individuals.**

(G)

**Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordinator pursuant to the emergency plan).**

(H)

**The name and telephone number of the person or persons to be contacted for further information.**

(c) Followup emergency notice As soon as practicable after a release which requires notice under subsection (a), such owner or operator shall provide a written followup emergency notice (or notices, as more information becomes available) **setting forth and updating the information required under subsection (b), and including additional information with respect to—**

(1)

**actions taken to respond to and contain the release,**

(2)

**any known or anticipated acute or chronic health risks associated with the release, and**

(3)

**where appropriate, advice regarding medical attention necessary for exposed individuals.**

Please let me know what Region 9 decides about this issue.

Thanks,

Steve Brittle

DWAZ

**From:** Don't Waste Arizona

**Sent:** Tuesday, August 01, 2017 4:48 PM

**To:** Alexis Strauss

Subject: Fw: EPA Contact

**I need to take this matter up with someone, as it is inaccurate per the court case attached. Please direct me to whomever I should speak with about this.**

Thanks,

**Steve Brittle**

**From:** Allen Young - EMERMGMTX  
**Sent:** Tuesday, August 01, 2017 2:33 PM  
**To:** Don't Waste Arizona  
**Subject:** EPA Contact

Mr. Brittle,

The EPA employee that I spoke to, regarding the continuous release report meeting both CERCLA and EPCRA reporting requirements, is:

Mr. William Jones

EPA, Region 9

610 W. Ash St, Ste 905

San Diego, CA 92101

(619)235-4765

Please note that any questions or concerning the Maricopa County LEPC should be sent to the [lepc@mail.maricopa.gov](mailto:lepc@mail.maricopa.gov) email address, not to individual members. Any emails received by the LEPC members directly from the public, regarding LEPC business, will be identified as spam and will not be addressed. Additionally, only those questions asked during LEPC meetings that pertain to agenda items can be answered via email. Topics that have been adequately addressed in previous LEPC meetings, as determined by the chairperson, may not be added to future agendas.

Thank you for your inquiry,

**Allen Young**

Emergency Services Planner



Maricopa County

Emergency

Management

5630 E. McDowell Rd

Phoenix, AZ 85008

602.273.1411



We can also be found on [Nextdoor!](#)